

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAINTERS DISTRICT COUNCIL
NO. 58, et al.,

Plaintiffs,

v.

ARCHITECTURAL PAINTING
SERVICES, INC., et al.,

Defendants.

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Case No. 4:16 CV 41 RWS

MEMORANDUM AND ORDER

On April 5, 2017, I entered judgment in Plaintiffs' favor on their claims for union dues, unpaid employee benefit contributions, and liquidated damages under the Labor Management Relations Act (LMRA), 29 U.S.C. § 185, and the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §§ 1132 and 1145. Plaintiffs then moved for attorneys' fees and costs, seeking \$25,851.24 in attorneys' fees and \$1,084.88 in costs. Defendants have not opposed the motions. I find Plaintiffs' requests for fees and costs reasonable and will award the full amounts Plaintiffs seek in their unopposed motions.


Under ERISA, an award of reasonable attorneys' fees and costs is mandatory when a fiduciary has successfully sued to enforce an employer's obligation to make contributions to a multiemployer plan. *See* 29 U.S.C. § 1132(g)(2). As a result, Plaintiffs are entitled to receive the reasonable attorneys' fees and costs they incurred in this case. Plaintiffs further claim entitlement to fees and costs based on the terms of their collective bargaining agreements, which require Defendants to pay courts costs and attorneys' fees in an action to recover unpaid principal contributions, union dues, or liquidated damages.

In support of their motion for attorneys' fees, Plaintiffs have provided detailed billing records and an affidavit that explains how they calculated the fee request, which details the work completed and their firm's standard hourly billing rate for this type of work. Defendants have not objected to Plaintiffs' motion. After careful review of these filings, and based on my knowledge of the prevailing billing rates and practices in this market for this type of work, I find Plaintiffs' request for attorneys' fees is reasonable. Plaintiffs' bills reflect a reasonable amount of time, billed at a reasonable rate, devoted to functions necessary to resolve the case. As a result, Plaintiffs are entitled to attorneys' fees in the amount of \$25,851.24. Plaintiffs request for costs is also reasonable, and as Defendants have not filed a timely objection to Plaintiffs' request for costs, I will direct the Clerk of Court to tax costs as requested.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' unopposed motion for attorney's fees #[51] is **GRANTED**. Defendants shall pay Plaintiffs \$25,851.24 in attorney's fees.

IT IS FURTHER ORDERED that Plaintiffs' unopposed motion for bill of costs #[52] is **GRANTED**. The Clerk of Court shall tax costs as requested.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 26th day of May, 2017.